

***City Council
Legal Review Committee
Meeting Agenda***

**October 30, 2018
City Hall, Spruce Room
749 Main Street
4:00 PM**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes September 27, 2018
- V. Public Comments on Items Not on the Agenda
- VI. Discussion/Direction – Municipal Court Judge Appointments and Compensation
- VII. Discussion/Direction – Evaluation Process for Judge, Prosecutor, City Attorney
- VIII. Discussion Items for Next Meeting
 - Open Space and Parks Draft Ordinance
- IX. Adjourn

***City Council
Legal Review Committee
Meeting Minutes
September 27, 2018
749 Main Street
4:00 PM***

Call to Order – Councilmember Leh called the meeting to order at 4:00 PM.

Roll Call: The following members were present:

Committee Members: *Chris Leh, City Council
Sue Loo, City Council
Ashely Stolzmann, City Council*

Staff Present: *Meredyth Muth, City Clerk
Heather Balser, City Manager
Megan Davis, Deputy City Manager
Kathleen Kelly, City Attorney
Nick Cotton-Baez, City Attorney
Dave Hayes, Police Chief
Ember Brignull, Open Space Manager
Aubrey Hilte, Open Space Ranger
Tracy Winfree, Interim Parks & Recreation Director*

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF MINUTES

The minutes were approved as presented.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

**DISCUSSION/DIRECTION – ORDINANCE NO. 1760, SERIES 2018 – AN
ORDINANCE REPEALING AND REENACTING WITH AMENDMENTS CERTAIN
SECTIONS OF TITLES 4 AND 14 OF THE LOUISVILLE MUNICIPAL CODE
CONCERNING REGULATIONS OF CITY OPEN SPACE AND PARKS**

Brignull stated the department has been reviewing the Parks and Open Space codes to see where it might need to be updated. The proposed changes were reviewed by the Open Space Board and the Parks Board. On second reading on August 7, the City Council asked the Legal Review Committee to review the proposed changes, particularly the section on smoking.

Councilmember Leh asked to discuss smoking first, specifically related to the golf course. Members noted most of the other municipalities have golf courses and most don't call out a smoking exemption for the golf course. Councilmember Leh noted for him it is a question of balancing more freedoms versus the concern of second hand smoke.

Councilmember Loo stated banning smoking at the golf course may make it even harder to attract customers. She prefers to keep customers we have. Councilmember Stolzmann stated she has gotten complaints about smoking on the course but few think it should be banned on the course.

Councilmember Leh noted enforcement of a ban at golf course would be difficult.

Councilmember Leh moved to recommend to full council to not regulate smoking on the golf course. Councilmember Stolzmann seconded. All in favor.

Councilmember Leh asked for discussion on smoking in parks. Councilmember Stolzmann stated she thinks most people already think it is banned and she thinks the majority of residents don't want smoking in parks. Councilmember Loo stated she hesitates to come up to a solution that is in search of a problem.

Councilmember Leh agreed with Councilmember Stolzmann. Councilmember Stolzmann moved to recommend to Council to use the staff proposal to ban smoking but also to highlight this for discussion for the full Council and have two versions prepared. Councilmember Leh seconded the motion with a friendly amendment for not having two versions. Councilmember Stolzmann accepted the amendment. All in favor.

Members were in agreement to keep the ban on smoking in open space and include ecigarettes in that as well.

Councilmember Loo asked if the definition of smoking instrument is intended to include ecigarettes. Cotton-Baez said this would not include ecigarettes as written.

Members agreed the definition should include cigarettes, ecigarettes, and marijuana. Staff can change the language to match that from Chapter 8.56 for both the Parks and Open Space titles. Councilmember Leh moved to support this; Councilmember Stolzmann seconded. All in favor.

Councilmember Stolzmann noted the code still refers to the Land Management Director and should be updated. Members decided to use "City Manager or his designee" in place of director for simplicity.

Members reviewed the draft as presented.

4.04.010 Scope Prohibitions

For the language in section 4.04.010, Councilmember Stolzmann stated it needs to be clarified which properties are open space and which are parks. This ordinance creates more confusion until this issue has been addressed. We should take the time to identify the different areas and pathways so we know what rules apply. She reiterated that the Charter requires the Open Space to be zoned.

Councilmember Loo agreed this language does not address what we need. She would like the language to work so the rangers and Police Department can enforce the rules on all City lands.

Councilmember Stolzmann stated we should move forward with language that only for those properties zoned as open space. Councilmember Leh agreed it makes it clear.

Cotton-Baez stated we will need an agreement with Boulder County and Lafayette and also have language in our code to allow the rangers to enforce rules on jointly owned open space not in Louisville that will ticket violators in Louisville municipal court. Councilmember Leh stated this language would set us up for when we do have an agreement.

Councilmember Stolzmann would like it clear if every property we own jointly is a defined open space so they can be identified in the agreement with Boulder County.

Staff will bring back language to meet the intent of the Committee.

Councilmember Loo motioned to leave in language to include coverage for bodies of water in open space. Councilmember Leh seconded. All in favor.

Councilmember Stolzmann would like the prohibitions grouped so they are easier to understand. Staff will bring back a version with sections/headings.

Item D – Signs, Councilmember Loo asked if this applies to real estate signs/advertising. Brignull stated this would include all signs unless given permission by the City. Staff will include signs in the list as well.

Item O – Leash length, Councilmember Loo stated a ten-foot leash is too long. She would like it shorter. Brignull stated this is fairly standard across jurisdictions.

Joel Hayes, 187 Harper Street, stated 10 feet is too short. The retractable leashes are what most people use so changing the rules makes most people lawbreakers. He feels there is no need to shorten it from 15 to 10 feet. Any length of leash can get in someone's way if the owner allows it.

Councilmember Stolzmann stated we should enforce the 15 feet. She sees people allowing dogs too far and disturbing others and wildlife. We should leave it at 15 and enforce it.

Brignull stated the 10-foot rule is also intended to keep dog walkers close enough to their pets to clean up after dogs.

Councilmember Loo stated extending the leashes on Davidson mesa allows dogs to disturb wildlife, people, and other dogs. We need to enforce the rules.

Councilmember Leh is comfortable with the 10-foot limit and we should enforce it.

Members decided to leave it at 10 feet, but will have a conversation with Council when it is reviewed.

Item P Harper Lake, Hayes asked if service animals would be allowed at Harper Lake under this language. Staff will address this in the next draft.

Item LL Interference with Employees Joel Hayes asked if this is too broad and allows city staff too much authority.

Cotton-Baez stated the intent is to cover the rangers and law enforcement. Members would like that language more narrow specifying the ranger staff. Staff will address this in the next version.

Hayes noted his objection to the smoking ban. No one does it now, why do we need to restrict it. He added that law enforcement issues should be left to the police, not other city staff or and the ranger

Councilmember Loo asked about the group use section 4.04.0940. She stated there are conflicts on Davidson Mesa with runners. She noted the school teams are using the properties and causing issues. Staff will reach out to the school system.

Councilmember Loo stated "greenbelts" need to be defined.

Staff will align the language between the Parks and Open Space section for the next version.

DISCUSSION/DIRECTION – CONSIDERATION OF CHANGES IN LIQUOR REGULATIONS AND OPTIONS IN PARKS

Muth described changes in the current state liquor regulations that allow cities to designate areas of City property, usually parks, where alcohol consumption is allowed.

Councilmember Stolzmann stated it is already happening. She doesn't think our rules will affect this.

Hayes stated the Police Department doesn't get a lot of calls for this, but many people probably don't want this. He is concerned there would be an expectation of enforcement which would not be a call priority. We would need to note all other rules still apply.

Councilmember Leh moved to send this to the Parks Board and ask them for a recommendation and then have a discussion with the full City Council. Councilmember Loo seconded. All in favor.

LAWSUIT SETTLEMENTS/LITIGATION UPDATES

None.

DISCUSSION ITEMS FOR NEXT MEETING OCTOBER 9

The October 9 meeting will be rescheduled to a later date.

ADJOURN

The meeting adjourned at 6:30 pm.

SUBJECT: MUNICIPAL COURT JUDGE APPOINTMENTS AND
COMPENSATION *continued from 8/28/18*

DATE: OCTOBER 30, 2018

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

In January, the City Council appointed Judge Wheeler as the Municipal Judge and Judge Thrower as the Deputy Municipal Judge; each to a two-year term. Earlier this year, Judge Wheeler requested another deputy judge be appointed so there is more flexibility in scheduling in case Judge Thrower is not available to cover in her absence. The Charter states the Council may appoint as many deputy judges as Council deems necessary. Given the request, members of the Legal Review Committee asked to review how often the judges oversee court and how they are compensated.

Generally the Municipal Court's regular schedule has been four half-days per month. Each session is about four hours on average. The schedule for the year is set in advance. Judge Thrower has filled in four times to date in 2018. Occasionally, additional sessions are scheduled for trials or other matters. For 2019, the court schedule will change to two full days per month rather than four half days.

Councilmember Leh noted Judge Thrower was recently appointed as the municipal judge for Estes Park. It is common for judges and prosecutors to work for multiple courts, particularly in the smaller courts that only meet once or twice per month. Both Judge Wheeler and Judge Thrower work for multiple courts as does Prosecutor Cribari.

Compensation

The Charter states "The Council shall establish the compensation for the presiding municipal judge and each deputy municipal judge. The compensation shall not be dependent upon the outcome of the matters to be decided by the judge."

Ordinance No. 1706, Series 2015 states *the presiding municipal judge shall receive as full compensation for the judge's services a yearly salary of \$31,200.00 payable on a monthly basis of \$2,600.00 per month, effective January 1, 2016. Each deputy municipal judge shall receive compensation for such deputy municipal judge's services as is set by city council resolution.*

Resolution No. 82, Series 2015 set the compensation for the judge at \$70.00 per hour which was a change from previous practice of paying \$325 per court session. Looking at invoices, this has turned out to actually be a reduction in per hour pay for the judge

which Council may want to address. By comparison, the Prosecutor is paid \$115 per hour.

Other than the regularly scheduled court sessions, the Municipal Judge also spends some time working on court administrative work and she swears in police officers and elected officials.

Some councilmembers have asked if the City should pay the judges on a per session basis rather than monthly or by the hour. That is at the discretion of the Council but would likely have to align with the next appointment/contracting cycle.

FISCAL IMPACT:

If Council decides to change how the judges are paid it could have a nominal impact on the budget.

RECOMMENDATION:

Discussion of if a second deputy judge should be appointed and if any of the pay rates should be adjusted.

ATTACHMENT(S):

- Ordinance setting Judge's compensation
- Resolution setting Deputy Judge's compensation
- Judge's contract

**ORDINANCE NO. 1706
SERIES 2015**

**AN ORDINANCE AMENDING CHAPTER 2.32 OF THE LOUISVILLE MUNICIPAL
CODE TO INCREASE THE SALARY OF THE PRESIDING MUNICIPAL JUDGE**

WHEREAS, Section 9-3(c) of the home rule charter provides that the City Council shall establish the compensation for the presiding municipal judge; and

WHEREAS, the City Council finds that the presiding municipal judge of the City should be compensated at the rate of \$31,200 in 2016 and desires to amend Section 2.32.050 of the Louisville Municipal Code to so provide;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF LOUISVILLE, COLORADO:**

Section 1. Section 2.32.050 of the Louisville Municipal Code is hereby amended to read as follows (words deleted are ~~stricken through~~; words added are underlined):

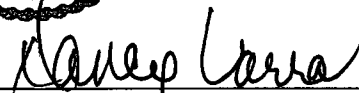
2.32.050. Salary.

The presiding municipal judge shall receive as full compensation for the judge's services a ~~yearly salary of \$24,000.00, payable on a monthly basis of \$2,000.00 per month, effective January 1, 2011, and~~ a yearly salary of \$31,200.00 payable on a monthly basis of \$2,600.00 per month, effective January 1, 2016-2011. Each deputy municipal judge shall receive compensation for such deputy municipal judge's services as is set by city council resolution.

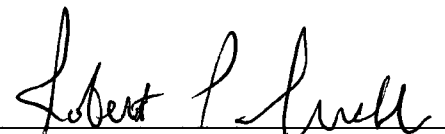
Section 2. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED** this 2nd day of November, 2015



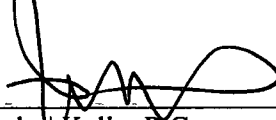


Nancy Varra, City Clerk



Robert P. Muckle, Mayor

APPROVED AS TO FORM



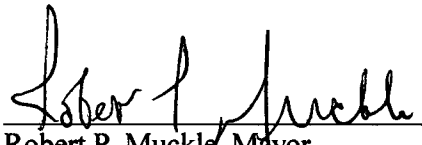
Light Kelly, P.C.,
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 17th day of
November, 2015.





Nancy Varra, City Clerk



Robert P. Muckle, Mayor

**RESOLUTION NO. 82
SERIES 2015**

**A RESOLUTION SETTING THE COMPENSATION OF THE
DEPUTY MUNICIPAL JUDGE**

WHEREAS, Section 9-3(c) of the home rule charter provides that the City Council shall establish the compensation for the presiding municipal judge and each deputy municipal judge; and

WHEREAS, the salary of the presiding municipal judge has been set by ordinance, and the City Council by this resolution desires to set the compensation of the deputy municipal judge,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

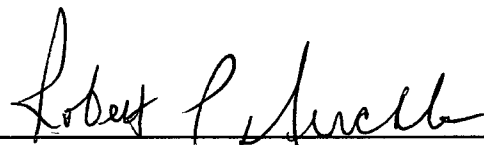
1 Effective January 1, 2016, the deputy municipal judge shall receive compensation for judge's services in the amount of \$70 00 per hour, with a minimum of two hours, for municipal court session over which the deputy municipal judge presides

PASSED AND ADOPTED this 2nd day of November, 2015





Nancy Varra, City Clerk



Robert P. Muckle, Mayor

AGREEMENT FOR MUNICIPAL JUDGE SERVICES

THIS AGREEMENT is made and entered into effective the 4th day of October, 2016, by and between the CITY OF LOUISVILLE, a Colorado home rule municipal corporation (the "City") and KRISTAN K. WHEELER, an individual.

WITNESSETH:

WHEREAS, pursuant to Section 9-3 of the Louisville Home Rule Charter, the City has established the Louisville Municipal Court, and the City Council of the City is vested with the authority to appoint a presiding municipal judge; and

WHEREAS, due to a vacancy in the office of presiding municipal judge, the City requires the personal services of a new presiding municipal judge for the unexpired term of the previous presiding municipal judge in accordance with Section 9-3(b) of the Louisville Home Rule Charter; and

WHEREAS, pursuant to Section 9-3(b) of the Louisville Home Rule Charter, any vacancy in the office of presiding municipal judge shall be filled by appointment for the remainder of the unexpired term; and

WHEREAS, Kristan K. Wheeler is a duly licensed attorney in the State of Colorado who has held herself out to the City as having the requisite expertise and experience to perform the presiding municipal judge services sought by the City; and

WHEREAS, pursuant to Section 9-3(b) of the Louisville Home Rule Charter, the City Council of the City desires to appoint Kristan K. Wheeler as presiding municipal judge of the Louisville Municipal Court, for an initial term expiring January 2, 2018, the date on which the remainder of the unexpired term of the previous presiding judge ends;

NOW THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties hereby agree as follows:

1. Appointment. The City Council hereby appoints Kristan K. Wheeler as Presiding Municipal Judge for the Louisville Municipal Court (hereafter "Presiding Judge"), for the term specified in Section 2, below.

2. Term. The Presiding Judge is appointed for a term commencing on October 4, 2016. Pursuant to Section 9-3(b) of the Louisville Home Rule Charter, such term shall expire January 2, 2018.

3. Services. The Presiding Judge shall preside over the regularly-scheduled sessions of the Louisville Municipal Court (approximately six per month) and over such other Municipal Court sessions as may be necessary for the proper functioning of the Court. The Presiding Judge shall perform all such duties and exercise all such powers as are required of and vested in a

municipal court judge by the Louisville Home Rule Charter and Louisville Municipal Code, and other applicable laws, regulations, and codes of conduct (including but not limited to the Colorado Code of Judicial Conduct) that are applicable to the position. The Presiding Judge shall also perform the administrative duties of a presiding municipal judge and perform the swearing in of City elected officials and police officers.

4. **Removal or Resignation; Termination.** During the term, the Presiding Judge may be removed from office by the affirmative vote of two-thirds of the entire City Council for cause, as set forth in Section 9-3 of the Louisville Home Rule Charter. The Presiding Judge may also voluntarily resign by providing at least 30 days' advance written notice to the City Council, unless a shorter notice period is agreed to by the City Council. In the event of any such removal or resignation, or any other termination of this Agreement prior to the expiration of the term, the Presiding Judge shall be paid solely for services rendered through the effective date of such removal, resignation or termination.

5. **Compensation.** Pursuant to Section 9-3 of the Louisville Home Rule Charter, the compensation of the Presiding Judge is established by the City Council and is not dependent upon the outcome of the matters to be decided by the judge. Pursuant to Ordinance No. 1706, Series 2015 (codified at Louisville Municipal Code Section 2.32.050), the Presiding Judge shall receive as full compensation for the Presiding Judge's services the amount of \$2,600 per month (not to exceed \$31,200 yearly), which monthly payment amount shall be prorated on a daily basis for the days of service in the first and final month of the term. The Presiding Judge shall submit monthly an invoice for services for the preceding month. The City shall pay the invoice within 30 days of receipt thereof.

6. **Additional Judges.** The City may employ, at the City's expense, such other additional judges as the City determines to be necessary or otherwise in the best interest of the City during the term of this Agreement.

7. **Independent Contractor Status.** The Presiding Judge shall be an independent contractor and not an employee of the City and shall make no representation that she is a City employee for any purpose. Further:

a. **No Payment of Employment Taxes or Other Withholdings.** The City shall not withhold or pay or be obligated to withhold or pay any payroll or employment taxes (including, but not limited to, FICA, FUTA, federal personal income tax, state personal income tax, state disability insurance tax, state unemployment insurance tax, and state worker's compensation insurance tax) or other amounts with respect to any services performed by or fees paid or expenses reimbursed to the Presiding Judge.

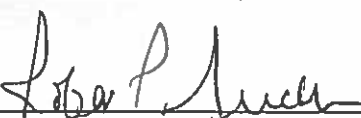
b. **No Payment of Workers' Compensation/Unemployment Compensation.** The City shall not provide or be obligated to provide to Presiding Judge any workers' compensation or unemployment compensation insurance coverage.

8. Payments Subject to Appropriation. Notwithstanding any other provisions contained herein, the financial obligations of the City under this Agreement are subject to annual appropriation of funds by the City Council, and nothing herein is intended or shall be construed to create any City debt or multiple-fiscal year obligation whatsoever. A failure to appropriate sufficient funds in any year to pay the full amount due, or which may be due hereunder for the following year shall constitute a termination subject to Section 4 of this Agreement. The City hereby states that it has appropriated in the 2016 budget sufficient funds for the payment of all amounts due, or which may be due hereunder in the 2016 fiscal year.

9. Miscellaneous Provisions. The parties agree that this Agreement is a personal services contract. No party shall assign this Agreement or delegate duties under this Agreement or any portion thereof. This Agreement may only be amended by written instrument signed by the Presiding Judge and Mayor and City Clerk of the City, after approval of such amendment by the City Council. This Agreement represents the entire Agreement between the parties and there are no oral or collateral agreements or understandings. If one or more provisions of this Agreement should be invalid, illegal or unenforceable in any respect, the remaining provisions contained in this Agreement shall not in any way be affected. This Agreement may be signed in counterparts. Faxed, electronic, and scanned signatures shall be accepted as originals.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates shown.

CITY OF LOUISVILLE, COLORADO


By: 
Robert P. Muckle, Mayor

Date: 9/20/16

ATTEST:


Meredith Mulk, City Clerk




Kristan K. Wheeler

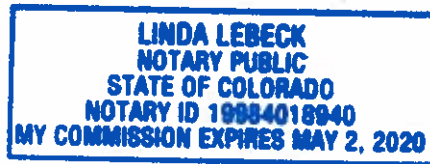
Date: 9-29-16

STATE OF COLORADO)
) ss.
COUNTY OF Boulder)

SUBSCRIBED AND SWORN TO before me this 29th day of September, 2016
by Kristan K. Wheeler.

My commission expires on: 5-2-20

(SEAL)



Linda Lebeck
Notary Public

SUBJECT: PROCESS FOR EVALUATING SERVICES OF THE MUNICIPAL JUDGES, PROSECUTOR, AND CITY ATTORNEY

DATE: OCTOBER 30, 2018

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

At a previous Committee meeting, members discussed ideas for how best to evaluate the City Attorney, Water Attorney, Municipal Judge, and Prosecuting Attorney. Staff has researched how other municipalities do this and has attached various forms, surveys, and processes.

Staff found many cities have no formal process (Lafayette, Golden) and some cities hire in outside help (Boulder hires the Employers Council).

Staff was unable to find any examples of evaluations for prosecuting attorneys.

The Committee will need to determine what types of evaluation it wants to recommend to the full City Council. That evaluation process will need to take place in 2019 in preparation for appointments in 2020.

FISCAL IMPACT:

None at this time.

RECOMMENDATION:

Discussion

ATTACHMENT(S):

1. Fort Collins Process for City Manager, City Attorney, and Municipal Judge
2. Judge Evaluation Forms
 - Brighton
 - Cottage Grove, Oregon
 - Dallas, Texas
 - Wichita, Kansas
 - Colorado Office of Judicial Performance Surveys
3. City Attorney Evaluations
 - General Survey Form
 - Claremont, California Survey Form
 - Chico, California Survey Form
 - Dallas, Texas
4. List of Goals and Characteristics for Prosecutors

RESOLUTION 2014-096
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING AN UPDATED PROCESS FOR CITY COUNCIL
EVALUATION OF THE PERFORMANCE OF THE CITY MANAGER,
CITY ATTORNEY AND MUNICIPAL JUDGE

WHEREAS, the City Manager, City Attorney and Municipal Judge are appointed by the City Council under the provisions of the City Charter; and

WHEREAS, the Municipal Judge is appointed for a two-year term, and the City Manager and City Attorney serve terms of indefinite duration; and

WHEREAS, the City Council is responsible for supervising the performance of all three of these employees and fixing their compensation; and

WHEREAS, it is essential that these employees perform their duties with integrity, professionalism and effectiveness; and

WHEREAS, the City Council meets with these employees semi-annually in executive session to review their performance; and

WHEREAS, the more formal review of these employees' performance (the "Annual Review") takes place in November of each year; and

WHEREAS, the City Council has by resolution developed and approved a process for conducting the annual reviews, which Council has from time to time updated and revised; and

WHEREAS, the City Council wishes to supersede all prior resolutions establishing such review procedures, and adopt the procedures set forth below, which revise that process to allow the use of facilitation services to assist with the gathering and exchange of information related to the Annual Reviews.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the annual, formal evaluation of the City Manager, City Attorney and Municipal Judge shall be conducted in accordance with the following guidelines:

Section 1. The annual, formal evaluation of the City Manager and City Attorney (the "Employees") shall be conducted as follows:

- A. Each year, a form for evaluation of each Employee's performance, based on the Employee's job duties, shall be prepared by the Human Resources Department in consultation with the Mayor, Mayor Pro Tem and the Employees. That form shall be distributed to each Councilmember no less than twenty (20) days prior to the date of the Employee's annual review. Alternatively, if the Employee has designated a facilitator to assist with the review process, the Employee shall work

with the facilitator to prepare questions to be used as the basis for the facilitator's interview with each Councilmember, which questions shall be provided to each Councilmember no less than twenty (20) days prior to the date of the Employee's annual review.

- B. Not later than twenty (20) days prior to the annual review, the Employees shall provide their self-evaluations and additional information they may consider appropriate to the Council. The Employees shall also provide their compensation requests for the ensuing year and any proposed contract revisions.
- C. No later than ten (10) days prior to the annual review, all Councilmembers shall submit completed evaluation forms to the Human Resources Department. Alternatively, if the Employee has designated a facilitator to assist with the review process, the facilitator shall meet with each Councilmember individually to obtain evaluation input, to allow for completion of a summary report.
- D. Not later than five (5) days prior to the annual review, the Human Resources Department or designated facilitator, if applicable, shall distribute to all Councilmembers and the appropriate Employee: (1) copies of each completed evaluation form; (2) a composite of all such forms; and (3) any additional information requested by a Councilmember or considered pertinent by the Human Resources Department, the designated facilitator or the Employees.
- E. Any change in the compensation of the Employees for the ensuing calendar year shall be approved by the Council by ordinance. That ordinance shall be adopted by the Council in sufficient time for the change in compensation to take effect as of the first full pay period of the ensuing year. In the event that the Council and either Employee agree upon any revisions to the Employee's employment contract for the ensuing year, a resolution approving such revision(s) shall be adopted upon first or second reading of the ordinance.
- F. All Councilmembers, irrespective of their evaluation of the Employees, are encouraged to meet individually with the Employees to discuss their performance.

Section 2. The annual, formal evaluation of the Municipal Judge shall be conducted in accordance with the following guidelines:

- A. A form for evaluation of the Municipal Judge's performance shall be prepared by the Human Resources Department in consultation with the Mayor, Mayor Pro Tem and Municipal Judge and distributed to each Councilmember no less than twenty (20) calendar days prior to the Municipal Judge's annual review. The form shall address the Municipal Judge's judicial duties, administrative duties and Liquor Licensing Authority duties.
- B. On or before October 15 of each year in which the Municipal Judge is requesting reappointment, Municipal Court prosecutors, defense attorneys who have worked

on Municipal Court cases, and attorneys who have appeared at Liquor Licensing Authority meetings shall be provided with copies of an evaluation form and asked to evaluate the performance of the Municipal Judge. The form shall be prepared by the Municipal Judge and the Human Resources Department in consultation with the Mayor and Mayor Pro Tem. The names of all persons submitting completed forms shall be provided to the Municipal Judge, together with a composite of the ratings and comments on the completed forms.

- C. Not later than twenty (20) days prior to the annual review, the Municipal Judge shall provide to the City Council a self-evaluation containing such information as he or she may consider appropriate, together with his or her compensation request for the ensuing year and any proposed contract revisions.
- D. Not later than ten (10) days prior to the annual review of the Municipal Judge, all completed evaluation forms and supplemental materials referenced in Section A and B above shall be submitted to the Human Resources Department for distribution to the Council and the Municipal Judge together with: (1) a composite of the forms completed by the Councilmembers; (2) pertinent information regarding the total compensation paid to the municipal judges of other comparable Colorado Front Range cities; and (3) any other information that may be considered pertinent by the Human Resources Department, the Council or the Municipal Judge.
- E. Throughout each year, "customer comment" forms shall also be made available, through means recommended by the Municipal Judge, to defendants, prosecution and defense witnesses, attorneys and other participants in the Municipal Court and liquor licensing processes. The forms for this purpose shall be prepared by the Municipal Judge in consultation with the Human Resources Department, Mayor and Mayor Pro Tem. All persons completing such forms shall be asked to sign their names if they wish to have their comments forwarded to the City Council for its use in reviewing the performance of the Municipal Judge. They shall also be told that the Human Resources Department and the members of the City Council will be provided with copies of their signed, completed forms, and that the Municipal Judge will receive a composite of all completed forms, together with the names of those persons submitting the forms. A copy of each signed, completed form shall be provided to the City Council on a quarterly basis. At the same time, the Municipal Judge shall receive a composite of the ratings and comments contained in such forms, together with the names of the persons submitting the forms.
- F. Any change in the compensation of the Municipal Judge for the ensuing calendar year shall be approved by the Council by ordinance. That ordinance shall be adopted by the Council in sufficient time for the change in compensation to take effect as of the first full pay period of the ensuing year. In the event that the Council and the Municipal Judge agree upon any revisions to the Municipal

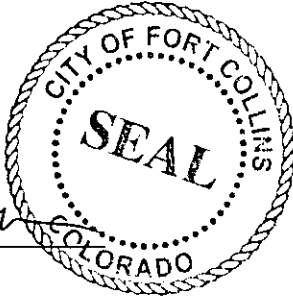
Judge's employment contract for the ensuing year, a resolution approving such revision(s) shall be adopted upon first or second reading of the ordinance.

- G. All Councilmembers, irrespective of their evaluation of the Municipal Judge, are encouraged to meet individually with the Municipal Judge to discuss the Municipal Judge's performance.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of October, A.D. 2014.

ATTEST:

Wanda Nelson
City Clerk



Karen Weithorn
Mayor

Meredyth Muth

Subject: FW: Evaluation for Judges and Prosecutors
Attachments: Survey Final Results for Judge Hardesty 2018.xlsx

Hello, Kathleen!

We do have a process for evaluating judges and the prosecutor in our municipal court.

1. Council members are encouraged to attend a court session and ask questions if they have any. (About half usually attend a session.)
2. We send a survey to attorneys who have appeared in our court. Here's what they look like:
<https://ruthdecrecentis.typeform.com/to/dCeYjg>,
<https://ruthdecrecentis.typeform.com/to/VFSG1b>.
3. We give a similar survey to court staff: <https://ruthdecrecentis.typeform.com/to/Ooe6Ba>.
4. We give surveys to the public over a 4-week period. I don't have an actual survey, but attached is an example of the results so you can see the types of questions we ask.
5. Council (and the staff member in question) receives all survey results.
6. Staff appear at a Council meeting to answer any questions or discuss concerns.
7. Council votes to retain (or not) current staff.

This has worked well for us, both for evaluating our folks and for improving our court in general. I hope that helps! Ruth

Ruth DeCrescentis
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Scores reflect the day Judge Hardesty was presiding over court. Not every session that Judge Brown was presiding over received surveys back. All surveys were anonymous and kept confidential throughout the process.

Scale was on a 1 - 5 rating; 1 Poor and 5 Excellent

Q1 Case Management: The Judge maintained appropriate courtroom control and made adequate rulings based on the law	Q2 Knowledge: The Judge took time to consider relevant facts and based decisions on those facts and statements presented	Q3 Communication: The Judge made sure that participants understood what was going on in the courtroom	Q4 Demeanor: Parties were treated with dignity and respect and the Judge was able to maintain a neutral attitude during court proceedings	Q5 Diligence: Cases were processed in an efficient manner and the Judge was prepared for each case on their docket	Q6 Parties were given the opportunity to speak and be heard, and were treated with respect.
5	2	5	5	3	2
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
3	4	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
3	3	3	3	3	3
3	3	3	3	3	3
1	1	1	1	1	1
5	5	5	5	5	5
5	5	5	5	5	5
5	4	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
5	5	2	4	4	4
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
3	3	4	4	3	4
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5

4	4	4	4	4	4
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
3	2	5	1	4	4
4	4	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
3	3	3	3	3	3
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
5	5	5	5	5	5
AVERAGE SCORE					
4.67	4.57	4.74	4.69	4.69	4.69

Comments

Q11 Please indicate what you believe the Judge's weaknesses are:	Q12 Please indicate what you believe the judge's strengths are:	Q13 Please indicate your overall court experience:	Q14 Any additional comments you wish to make:
None at all	I believe he was fair.	I feel like everything went great overall	
			Excellent CS (customer service) today
N/A	Communication	complicated	
none	great communication skills	I'm upset I had 2 be here	I feel my son is innocent
I would need more time to find his weak spot	I felt he was fair and let everyone know what could have been	I wish I didn't have one	The judge has an awesome Bolo tie
None	caring nature		
anything he talks a lot	each case. I definetly thinkn	uncomfortable but this court	
None	Straight to point	10+	happy memorial day
None	determination	excellent	I never want to come back
N/A		very clean	The judge was very nice and respectful.
none great judge	overall persona	great cast	
	very professional	good	no
none	something.	Healthy educational	experience.
None as noticed	He was clear of the consequences of action	clean & quiet	I wish that the location of court was clear than is on the ticket.
very strong	fair	Never like going to court but good overall	none
none	Listening to participants and helping them out	satisfied	N/A

not align with Judges	Friendly		
	very fair		
no weaknesses at all	very funny	excellent, great staff, funny Judge, clean restrooms, Love purple hair lady	Brighton Court Judge is the best I ever had, sure beats Denver Courts
N/A		very well	
He was a good judge but he could have a more input	He was fair with his judgement	Was alright but we had a wait to check-in	No thank you
N/A	n/a	Good, very upfront	
none	Fair, Patience	Excellent	Everyone from the officer, to the judge treated me with respect
			I would have paid the fine without having to appear.
good judge	good judge	exceptional	N/A
Good work & just a little weakness	English & Spanish	Good	Fair in everything
	Very understanding, compassionate & fair	My file couldn't be found - was entered on the wrong date... but very efficient from that point forward	
He had no water with ice	Honor	Excellent	I appreciate the justice and the kind environment and climate

1 → Judge Hardesty displays a sense of basic fairness and justice.

0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

2 → Treats all parties equally, regardless of race, sex, age, ethnicity, social status, or economic status.

0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

3 → Makes decisions without regard to the popularity of the decision.

0	1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	---	----

0 of 23 answered

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decision.

0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

4 → Comments in regard to Judge Hardesty's integrity

Type your answer here...

5 → Written decisions are clear and thorough.

0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

6 → Oral decisions are clear and thorough.

0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

7 → Communicates with court staff regarding overall court management.

0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

8 → Comments in regard to Judge Hardesty's communication skills

Type your answer here...

9 → Assumes appropriate demeanor.

0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

Strongly Disagree

Strongly Agree

10 → Maintains proper control over the courtroom.

0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

11 → Is courteous and free from arrogance.

0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

12 → Displays human understanding and compassion.

0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

13 → Comments in regard to Judge Hardesty's demeanor

Type your answer here

0 of 23 answered

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Type your answer here...

14 → Is prompt in making rulings and rendering decisions.

0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

15 →

Works diligently.

0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

16 → Comments in regard to Judge Hardesty's docket management and prompt case disposition

Type your answer here...

17 → Is punctual in commencing proceedings.

0 of 23 answered

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0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

20 → Sentences fairly.

0	1	2	3	4	5	6	7	8	9	10
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Strongly Disagree

Strongly Agree

21 → Comments in regard to Judge Hardesty's sentencing

Type your answer here...

22 → Keeping in mind your responses to the preceding questions, what is your overall recommendation for Judge Hardesty?

☐ A Recommend Retention☐ B Do Not Recommend Retention☐ C No opinion

0 of 23 answered

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MEMORANDUM

TO: Mayor and City Council

FROM: Richard Meyers, City Manager

SUBJECT: Municipal Court Judge Annual Evaluation

DATE: May 5, 2010

Background

The Municipal Court Judge performance evaluation is due and is typically conducted in an executive session. In order to conduct the evaluation in an executive session the evaluation form must be adopted in an open meeting prior to using the form in an evaluation process.

Recommendation

Adopt the evaluation form and set a date and time to conduct the evaluation of the Municipal Court Judge.

Cost

Any costs associated with possible salary increase.

Richard Meyers, City Manager

Municipal Judge Performance Evaluation

These are sources that you can use to evaluate the performance of the Municipal Judge.

1. Visit court and observe proceedings.
2. Talk to department heads.
3. Refer to the Budget Document - sections on Police and Municipal Court, these include brief descriptions of past year's activities.
4. Council should feel free to contact the Judge any time they have concerns and discuss those on a one-on-one basis. It is this committee's belief that you should handle these inquiries as soon as possible and not save them for annual review. This would help the Judge and the Council maintain a working relationship.
5. Grade the court on the approved evaluation form with a numbered grading system.
6. The Judge's position is an at will employee and no contract is required.
7. Salary will be reviewed by the Council at the evaluation and any changes made at that time.

City of Cottage Grove
Municipal Court Judge Performance Evaluation

INSTRUCTIONS: Place a check mark on the line underneath the number you think is appropriate for each item. The numerical rating (1 through 4) is an effort to quantify opinions and judgement about specific management responsibility. While subjective, it suggests a useful emphasis or relative degree of acceptability. Please use the comment space to record specific comments on each point. Use the back of the form if more space is needed.

1 - Not making progress toward expectations; 2 - Making progress toward expectations; 3 - Meets expectations; 4 - Exceeds expectations; 5 - Not observed.

Professionalism	1	2	3	4	5	Comments
Projects a professional and positive image						
Courteous to public and staff at all times						
Controls emotions effectively in difficult situations						
Involved in community events and professional organizations						

City Council Relationship	1	2	3	4	5	Comments
Provides accurate and sufficient information to City Council to highlight criminal justice trends and needs in our community						
Provides annual data on Court proceedings for budget preparation and Judge evaluation						
Effectively assists the City Council in understanding and addressing issues facing Municipal Court						

Communications	1	2	3	4	5	Comments
Communicates effectively with Police Department and City Attorney's Office						
Oral communications are clear, concise and accurate						
Written Communications are clear, concise and accurate						

Court Administration	1	2	3	4	5	Comments
Creative in developing practical solutions to problems faced in the course of work						
Keeps current on changes in local, state and federal laws affecting Municipal Court						
Manages uncollected fines						
Shows consistency in courtroom proceedings						
Proposes in a timely manner a balanced and well prepared budget document						
Encourages training for professional staff						
Court begins on time and proceedings are conducted in a timely manner						
The operation of court appears organized						

Based on your overall evaluation of the Municipal Judge, what would you list as strong points.

- C Knowledge and understanding of the laws
- C Respectful and educated approach to all cases
- C Facts of all cases
- C Professionalism
- C Genuine compassion and caring of people appearing in court
- C Humane and fair

Based upon your overall evaluation, what areas would you suggest the Municipal Judge work on to improve skills or to be more effective. Please be as specific as possible.

- C Time Management
- C Delegate social service issues to the proper agency
- C Better reporting of Court activities (quarterly reports)

What goals and expectations do you have for Municipal Court for the coming year?

- C Council to set subcommittee to meet with Judge to address some Council concerns
- C Possibility of quarterly reports on matters of the Court that Council might be interest

Mayor: _____

Date: _____

Municipal Judge: _____

Date: _____

Cottage Grove
Municipal Court Judge
Self-Evaluation Form

Please describe your strengths or examples of exceptional performance.

Describe your performance deficiencies or job behavior requiring improvement.

Highlight your progress in meeting goals previously set with City Council.

Describe efforts you have taken to stay current on changes in local, state or federal laws pertaining to Municipal Court.

What are your goals or specific areas of improvement you would like to address during the next evaluation period?

RATER

DATE

MUNICIPAL JUDGE EVALUATION

This document is to provide a vehicle for evaluation of the performance of the Municipal Judge. The form provides for both a numerical and narrative approach for the feedback. The numerical rating scale (1-5) is used in an effort to quantify opinions and judgements about a specific management responsibility or skill. Although the scale is admittedly subjective, it will suggest a useful emphasis or relative degree of acceptability.

The rating scale is as follows: **1**--Unsatisfactory performance or behavior, **3**--satisfactory, **5**--very satisfactory performance or behavior. The **2** and **4** are graduations in between these ratings and allow for greater flexibility and accuracy. The "N/O" represents "no opinion" or "no observation" of performance or behavior.

It is important for a successful evaluation that you be candid and frank with your observations, perceptions, and feelings.

Please circle one number under each identified standard which best relates your classification. Please feel free to add your comments and suggestions in narrative form along with the numerical rating.

STANDARDS

Analytical Ability - refers to the knowledge of legal concepts and procedures and their application to the decisions in Municipal Court.

<u>Rating:</u>	1	2	3	4	5	N/O
<u>Comments:</u>	_____					

Basis of Decisions - refers to whether the standards of proof and evidence are properly considered.

<u>Rating:</u>	1	2	3	4	5	N/O
<u>Comments:</u>	_____					

Consistency of Decisions - refers to whether results of decisions are generally consistent and reflects well upon the Court and the City.

Rating: 1 2 3 4 5 N/O

Comments: _____

Timeliness of Decisions - refers to the number of cases taken under advisement as well as how long they are under consideration before decision.

Rating: 1 2 3 4 5 N/O

Comments: _____

Quality of Decisions - refers to whether the Judge maintains impartiality and that decisions reflect the community's perspective of justice.

Rating: 1 2 3 4 5 N/O

Comments: _____

Respect for Participants - refers to the Judge's patience and courtesy towards counsel, defendants, victims, and officers.

Rating: 1 2 3 4 5 N/O

Comments: _____

Professionalism - refers to the image the Court projects and the maintenance of legal knowledge by keeping abreast of developments in the law.

<u>Rating:</u>	1	2	3	4	5	N/O
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Comments: _____

Other Comments/Overall Assessment:

[illegible]

City Council Policy

Policy No.____
December 16, 2014

Subject: Municipal Court Judicial Evaluations

It shall be the policy of the City Council of the City of Wichita to conduct an annual performance evaluation of the Municipal Court Judges to determine if the judges should continue serving as Municipal Court Judges and if a merit increase should be granted.

I. Evaluation Committee and Duties:

A Judicial Evaluation Committee comprised of three City Council members will direct an annual evaluation process for Municipal Court Judges and provide written recommendations to the City Council regarding continuation of judges' terms of office, reappointments at the end of judges' terms of office, and merit increases. The Human Resources Director and the Municipal Court Administrator will assist the committee during the evaluation process.

Upon completion of the evaluation process, the committee will rate the performance of each judge, and assign an overall rating that will be submitted to the City Council. Judges will be assigned a performance rating of "accomplished", "satisfactory", or "unsatisfactory" in the areas evaluated.

City Council will review the ratings and recommendations submitted by the Judicial Evaluation Committee, determine whether each judge should continue to serve as a Municipal Court Judge and if a merit increase should be granted. During the final year of term of office, the City Council shall determine whether each judge should be reappointed to another four year term and if a merit increase should be granted.

City Council will take official action on whether each judge should continue their term of office, be reappointed at the conclusion of their term of office, and/or receive a merit increase no later than the third Tuesday in April.

The documentation of all annual evaluations and any documents received by the evaluation committee shall be considered as confidential personnel matters and will be exempt from disclosure to the extent allowed by the Kansas Open Records Act. City Council may elect to release a report summarizing survey results and evaluation related information to the public.

II. Evaluation Procedures:

Annual Evaluation Process

The committee's annual evaluation process shall include:

1. Each January two groups of Municipal Court stakeholders will be surveyed regarding the performance of Municipal Court Judges. Group A: a sample of attorneys appearing in Municipal Court will be surveyed regarding each judge's ability to interpret and apply the law, rules of procedure and evidence, legal precedent, and principles of courtroom management. Group B: a sample of non-attorneys appearing in Municipal Court including law enforcement, court staff, and inspectors will be surveyed regarding access and treatment of persons appearing before the court in terms of fairness, equality, and respect. Surveys will provide an opportunity for respondents to provide feedback related to each respective judge that the respondent has appeared before within the previous 12 months.
2. An annual self-evaluation will be completed by each judge and submitted to the HR Director by the first Monday in February. The self-evaluation will address the evaluation criteria listed below, as well as challenges within each judge's division, strategies implemented to improve outcomes, professional development, and complaints received.
3. The Court Administrator will provide a report of key Municipal Court performance measures. The report will include both qualitative and quantitative performance measures that detail the Court's judiciary outcomes and workload.
4. The committee may also elect to review information available from the public record, and meet individually with each judge or City staff to gather additional information as needed.
5. No later than the first Monday in March, the HR Director and Court Administrator will provide the judicial evaluation committee with a summary of survey results, self-evaluations from each judge, the Court Administrator's performance measure report, and any additional information requested by the committee.

Reappointment Evaluation Process

The evaluation administered during the final year of each judge's term of office will include a recommendation to City Council as to whether each judge should be reappointed. The reappointment recommendation shall be based on a review of annual survey results, judicial self-evaluations, performance measure reports, ratings given during each year of a judge's term of office, and any additional information obtained during the annual evaluation process.

Municipal Court Judge Evaluation Criteria

The primary criteria to be used in evaluating the Municipal Court Judges is whether the individual judge has demonstrated his or her ability to serve as a Municipal Court Judge utilizing the following factors:

- Adherence to the scheduling of all dockets, hearings, other courtroom assignments and the rules of the Municipal Court.
- Cooperation with other judges and the Chief Judge, by attending judges meetings, completing assignments and assisting where needed.
- Ability to act with courtesy and patience to all people who appear before the court.
- Providing advance notice of anticipated absences and/or use of leave.
- Devotes appropriate time and consideration to judicial cases.
- Proper demeanor so as to not discredit the court, its employees or other judges.
- Fairness, including sensitivity to diversity and bias.
- Legal knowledge and skills (competence).
- Integrity.
- Experience.
- Diligence.
- Impartiality.
- Judicial temperament.
- Respect for the rule of law.
- Professional conduct.

Chief Judge Evaluation Criteria

In addition to the criteria set forth above, the Chief Judge shall also be evaluated annually on the following criteria:

- Adherence to Administrative Requirements.
- Management skills.
- Devoting appropriate time to all pending matters.
- Discharging administrative responsibilities diligently.

- Willingness to establish effective working relationships with other City staff, Municipal Court Judges, the Municipal Court Administrator, attorneys and the public.
- Willingness and ability to enforce the rules of the Municipal Court.
- Ability to make courtroom assignments to ensure adequate coverage of each docket.
- Participation on subcommittees designed to improve the functioning of the court.
- Ability to initiate and develop new court procedures to enable the Municipal Court to operate more effectively and efficiently.

Performance Standards

1. ACCOMPLISHED: The incumbent performed all job responsibilities proficiently and skillfully, demonstrating a high degree of knowledge of the job requirements. The work done by the incumbent has provided a considerable contribution to the Court. The incumbent has met all stated standards at the “Accomplished” level.
2. ACCEPTABLE: The incumbent generally performs most job responsibilities at an acceptable level, but work performance is less than the “Accomplished” level.
3. UNSATISFACTORY: The incumbent may perform some job responsibilities at an acceptable level but improvement is required in some areas. The incumbent has not met an “Acceptable” level of performance and warrants further evaluation.

Timeline

1. Stakeholder survey January 1st- 31st
2. Judicial self-evaluations due to HR 1st Monday in February
3. Survey results, self-evaluations, performance measure report submitted to Judicial Evaluation Committee 1st Monday in March
4. Council action 3rd Tuesday in April

CO OJPE Attorney 2018 Retention Cycle

Intro

Q1



Q2 Evaluation of Judge _____ If we have made a mistake and you either were not in Judge _____'s courtroom or you feel that you do not have sufficient experience with Judge _____ to have an opinion on the judge's judicial performance, please respond "no" to the question below to stop any further requests to evaluate the judge.

Q3 Do you have sufficient experience with Judge _____ to feel qualified to evaluate their performance?

☐ Yes (1)

☐ No (2)

Page Break

Q31 How many hearings or trials have you had with Judge _____ over the past year?

- ☐ 0 (1)
- ☐ 1 to 3 (2)
- ☐ 4 to 9 (3)
- ☐ 10 or more (4)
-

Q32 What was the nature of these appearances? (Please check all that apply)

- ☐ Trial (1)
- ☐ Motion (2)
- ☐ Scheduling Conference (3)
- ☐ Preliminary hearing (4)
- ☐ Sentencing (5)
- ☐ Juvenile hearing (6)
- ☐ Other (Please specify) (7) _____
-

End of Block

Case Type

Q4 Which of the following types of cases have you observed Judge _____'s performance? Please check all that apply.

☐ Civil (1)

☐ Criminal (2)

☐ Traffic (3)

☐ Domestic (4)

☐ Juvenile (5)

☐ Probate (6)

☐ Other (Please specify) (7) _____

Case Management

Q5 Case Management: Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade **Judge** _____ on the following. If, for a specific question you feel that you do not have enough information to grade the judge, please check DK/NA for Don't Know/Not Applicable.

	A (1)	B (2)	C (3)	D (4)	F (5)	DK/NA (6)
Promptly issuing a decision on the case after trial. (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintaining appropriate control over proceedings (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Promptly ruling on pre-trial motions. (3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Setting reasonable schedules for cases. (4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q6 If you have any comments about **Judge** _____'s case management, please enter them in the box below.

End of Block

Application and Knowledge of Law

Q7 Application and Knowledge of Law: Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade **Judge** _____ on the following. If, for a specific question you feel that you do not have enough information to grade the judge, please check DK/NA for Don't Know/Not Applicable.

	A (1)	B (2)	C (3)	D (4)	F (5)	DK/NA (6)
Being able to identify and analyze relevant facts. (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Basing decisions on evidence and arguments. (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<i>If Which of the following types of cases have you observed Judge _____... Criminal Is Selected</i>						
Issuing consistent sentences when the circumstances are similar. (3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Being fair and impartial to both sides of the case. (4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consistently applying laws and rules. (5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q8 If you have any comments about Judge _____'s application and knowledge of law, please enter them in the box below.

End of Block

Communications

Q9 Communications: Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade **Judge** _____ on the following. If, for a specific question you feel that you do not have enough information to grade the judge, please check DK/NA for Don't Know/Not Applicable.

	A (1)	B (2)	C (3)	D (4)	F (5)	DK/NA (6)
Making sure all participants understand the proceedings. (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Providing written communications that are clear, thorough and well reasoned. (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q10 If you have any comments about **Judge** _____'s communications, please enter them in the box below.

End of Block

Demeanor

Q11 Demeanor: Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade Judge _____ on the following. If, for a specific question you feel that you do not have enough information to grade the judge, please check DK/NA for Don't Know/Not Applicable.

	A (1)	B (2)	C (3)	D (4)	F (5)	DK/NA (6)
Giving proceedings a sense of dignity. (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Treating participants with respect. (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conducting his/her courtroom in a neutral manner. (3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q12 If you have any comments about Judge _____'s demeanor, please enter them in the box below.

End of Block

Diligence

Q13 Diligence: Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade Judge _____ on the following. If, for a specific question you feel that you do not have enough information to grade the judge, please check DK/NA for Don't Know/Not Applicable.

	A (1)	B (2)	C (3)	D (4)	F (5)	DK/NA (6)
Using good judgment in application of relevant law and rules. (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Doing the necessary "homework" and being prepared for cases. (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Being willing to handle cases on the docket even when they are complicated and time consuming. (3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q14 If you have any comments about Judge _____'s diligence, please enter them in the box below.

End of Block

Bias

Display This Question:

If Which of the following types of cases have you observed Judge _____ perf...
Criminal other than traffic Is Selected

Q15 Having observed Judge _____ in a criminal case, would you say the judge is:

- ☐ Very biased in favor of the prosecution (1)
- ☐ Somewhat biased in favor of the prosecution (2)
- ☐ Completely neutral (3)
- ☐ Somewhat biased in favor of the defense (4)
- ☐ Very biased in favor of the defense (5)
- ☐ Don't know/not sure (6)

End of Block

Retention

Q16 What would you say are Judge _____'s strengths?

Q17 What would you say are Judge _____'s weaknesses?

Q18 Based on your responses to the previous questions related to the performance evaluation criteria, do you think Judge _____ meets judicial performance standards?

- ☐ Yes, meets performance standards (1)
- ☐ No, does not meet performance standards (2)
- ☐ No opinion (3)

Q19 If you have any further comments about Judge _____ please enter them in the box below.

CO OJPE Non-Attorney 2018 Retention Cycle

Intro

INT1



Evaluation of Judge _____ If we have made a mistake and you either were not in Judge _____'s courtroom or you feel that you do not have sufficient experience with Judge _____ to have an opinion on the judge's judicial performance, please respond "no" to the question below to stop any further requests to evaluate the judge.

Q1 Do you feel you have sufficient experience with Judge _____ to evaluate their performance?

- ☐ Yes (1)
- ☐ No (2)

End of Block

1. Demeanor-Fairness

Q2 Demeanor: Using a grade scale, where an “A” is excellent along with B, C, D or F for fail, please grade the judge on the following. (If you feel that you don’t have experience with the judge in a specific area, or just don’t know, please mark “Don’t Know/Not Applicable”—DK/NA).

	A (1)	B (2)	C (3)	D (4)	F (5)	DK/NA (6)
Giving court proceedings a sense of dignity. (Q2_1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Treating participants in the case politely and with respect. (Q2_2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conducting the courtroom in a neutral manner. (Q2_3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Having a sense of compassion and human understanding for those who appear in court (Q2_4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q3 If you have any comments about Judge _____'s demeanor, please enter them in the box below.

Q4 Fairness: Using a grade scale, where an “A” is excellent along with B, C, D or F for fail, please grade the judge on the following. (If you feel that you don’t have experience with the judge in a specific area, or just don’t know, please mark “Don’t Know/Not Applicable”—DK/NA).

	A (1)	B (2)	C (3)	D (4)	F (5)	DK/NA (6)
Giving participants an opportunity to be heard. (Q4_1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Treating those involved in the case without bias (Q4_2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Treating fairly people who represent themselves. (Q4_3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Giving each side enough time to present their case. (Q4_4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q5 If you have any comments about Judge _____'s fairness, please enter them in the box below.

Communications - Diligence

Q6 Communications: Using a grade scale, where an “A” is excellent along with B, C, D or F for fail, please grade the judge on the following. (If you feel that you don’t have experience with the judge in a specific area, or just don’t know, please mark “Don’t Know/Not Applicable”—DK/NA).

	A (1)	B (2)	C (3)	D (4)	F (5)	DK/NA (6)
Makings sure participants understand the proceedings, and what’s going on in the courtroom. (Q6_1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Using language that everyone can understand. (Q6_2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Speaking clearly so everyone in the courtroom can hear what’s being said. (Q6_3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q7 If you have any comments about Judge _____'s communications, please enter them in the box below.

Q8 Diligence: Using a grade scale, where an “A” is excellent along with B, C, D or F for fail, please grade the judge on the following. (If you feel that you don’t have experience with the judge in a specific area, or just don’t know, please mark “Don’t Know/Not Applicable”—DK/NA).

	A (1)	B (2)	C (3)	D (4)	F (5)	DK/NA (6)
Beginning court on time. (Q8_1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintaining appropriate control over proceedings. (Q8_2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Setting reasonable schedules for cases. (Q8_3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Being prepared for cases. (Q8_4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Managing court proceedings so that there is little wasted time. (Q8_5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q9 If you have any comments about Judge _____'s diligence, please enter them in the box below.

Application of Law -

Q10 Application of Law: Using a grade scale, where an “A” is excellent along with B, C, D or F for fail, please grade the judge on the following. (If you feel that you don’t have experience with the judge in a specific area, or just don’t know, please mark “Don’t Know/Not Applicable”—DK/NA).

	A (1)	B (2)	C (3)	D (4)	F (5)	DK/NA (6)
Giving reasons for rulings. (Q10_1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Willing to make decision without regard to possible outside pressure. (Q10_2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Being able to identify and analyze relevant facts. (Q10_3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q11 If you have any comments about Judge _____'s application of law, please enter them in the box below.

End of Block

Bias

Q12 On the scale below, please indicate by selecting the appropriate number how biased you think Judge _____ is toward the defense or the prosecution. If you feel Judge _____ is completely unbiased, select "0."

- ☐ 5 - Bias toward Defense (1)
- ☐ 4 (2)
- ☐ 3 (3)
- ☐ 2 (4)
- ☐ 1 (5)
- ☐ 0 - Completely Neutral (6)
- ☐ 1 (7)
- ☐ 2 (8)
- ☐ 3 (9)
- ☐ 4 (10)
- ☐ 5 - Bias toward Prosecution (11)

Page Break

Q13 On the scale below, please indicate by selecting the appropriate number how lenient or how harsh you think the sentences generally handed down by Judge _____ are. If you feel Judge _____ generally hands down appropriate sentences, circle "0."

- ☐ 5 - Sentences Too Light (1)
- ☐ 4 (2)
- ☐ 3 (3)
- ☐ 2 (4)
- ☐ 1 (5)
- ☐ 0 - Appropriate Sentences (6)
- ☐ 1 (7)
- ☐ 2 (8)
- ☐ 3 (9)
- ☐ 4 (10)
- ☐ 5 - Sentences Too Harsh (11)

End of Block

Open Ends

Q14 Though your name will never be associated with your answers, because the judge will see a typed transcript of the comments that you and others write, it is important that you do not include information in the comments below that would unintentionally identify you as the author.

Q15 What would you say are Judge _____'s strengths?

Page Break

Q16 And what would you say are Judge _____'s weaknesses?

Page Break

Retention

Q25 Based on your responses to the previous questions related to the performance evaluation criteria, do you think Judge _____ meets judicial performance standards?

- ☐ Yes, meets performance standards (1)
- ☐ No, does not meet performance standards (2)
- ☐ No opinion (3)

Page Break

Q25 If you have any comments about why you did or did not recommend Judge _____ meets performance standards, please enter them in the box below.

CITY ATTORNEY PERFORMANCE REVIEW RATING SHEET

Rate each item from 1 (low) to 5 (high) based on your opinion of the City Attorney's performance. Mark N/A if you do not have enough information to rate.

I. LEGAL CONSULTATION

- _____ A. Has legal advice provided by the City Attorney proven to be accurate and technically correct?
- _____ B. Does the City Attorney provide his best and honest recommendations given all existing legal issues and ramifications?
- _____ C. Does the City Attorney possess and provide an efficient and effective knowledge of the City's Municipal Code and regulations?
- _____ D. Does the City Attorney possess and provide an efficient and effective knowledge of other government regulations and case law regarding municipal government and issues facing the City?
- _____ E. Does advice provided by the City Attorney regularly take into account and balance the overall goals and objectives of the City?
- _____ F. Does the City Attorney regularly provide the scope of legal expertise necessary to meet the City's needs on issues that arise, either from himself, within his firm or other available resources?
- _____ G. Does the City Attorney proactively identify potential issues when he is aware of them to avoid problems from occurring?
- _____ H. Are alternatives and innovative solutions provided rather than just raising problems?
- _____ I. Is the City Attorney able to maintain the City Council's and staff's confidence while informing them of the different legal risks that proposed actions might generate?

II. LEGAL REPRESENTATION

- _____ A. Does the City Attorney aggressively represent the interests of the City as directed by the City Council?

- _____ B. Is the City Attorney's approach effective in achieving the best possible legal outcomes for the City's interests given the issues that arise?
- _____ C. Does the City Attorney represent the City in a professional and ethical manner?
- _____ D. Is the City Attorney impartial and objective in his duties and responsibilities?
- _____ E. Are the City Attorney's estimates of legal impacts reasonably accurate on a regular basis?

III. STAFF WORK

- _____ A. Does the City Attorney prepare ordinances, resolutions, contracts and other legal work accurately and consistent with the direction and objectives communicated by the City Council, City Manager and/or department directors?
- _____ B. Does the City Attorney maintain good working relationships and serve as an effective member of the management team?
- _____ C. Does the City Attorney accurately identify and address all legal issues within documents and items that he reviews?
- _____ D. Are staff and the City Council advised of key changes in municipal law as it pertains to the City's activities?
- _____ E. Does the City Attorney display a positive attitude in carrying out his responsibilities and responding to requests?
- _____ F. Has the City Attorney been successful in accomplishing objectives previously established?

IV. COST/FISCAL ACCOUNTABILITY AND CONTROL

- _____ A. Are regular legal activities achieved within budgetary goals and limits?
- _____ B. Has the City Attorney been effective in minimizing legal costs by limiting tasks to those regarding legal issues and utilizing City in-house staff when possible to perform administrative and other functions?
- _____ C. Are standard forms developed and used where possible to minimize preparation of legal documentation?
- _____ D. Are legal tasks performed with appropriate authorization according to established procedures and contract requirements?

- _____ E. Do invoices accurately identify tasks and expenses in sufficient detail to provide accountability and cost control?
- _____ F. Does the City Attorney display the ability and knowledge to research issues in a minimum amount of time?
- _____ G. Have legal costs been effectively managed and controlled given the issues, assignments and requests made to the City Attorney?

V. RESPONSIVENESS/TIMELINESS OF ACTIONS

- _____ A. Are requested legal work and assignments completed in a timely manner within established time frames?
- _____ B. Is the City Attorney accessible when needed to respond to requests for legal information and assistance?
- _____ C. Are legal review and requests for information completed in time to avoid delays to City projects, programs and other tasks?
- _____ D. Does the City Attorney follow-up effectively to requests that are made?
- _____ E. Does the City Attorney accurately interpret and clarify City Council and City Manager direction?

VI. COMMUNICATIONS

- _____ A. Does the City Attorney communicate effectively with the City Council, staff and the community?
- _____ B. Are answers provided in a timely and in an understandable manner?
- _____ C. Are timelines for follow-up to requests clearly communicated?
- _____ D. Does the City Attorney maintain confidentiality with regard to all matters discussed with the Mayor, City Council Members and/or City Manager and staff?
- _____ E. Does the City Attorney effectively report to the City Council and/or City Manager communications by project attorneys of a substantive nature regarding significant or sensitive matters?

[illegible][illegible]

COUNCIL EVALUATION OF CITY ATTORNEY SERVICES

INTRODUCTION:

(Firm name) provides legal services to the City of _____, under the supervision of _____ as City Attorney. In order to make this evaluation more useful, please indicate in the spaces below the names of the attorneys with whom you have the most contact. If you recall the name of a specific project the attorney assisted you with, please include it.

<u>Name of Attorney</u>	<u>Name of Project</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Please answer the following questions, adding any comments which are relevant. At the end of this evaluation sheet you will find an area for any additional comments you may have. Thank you.

1. Does the City Attorney understand, comply with, and contribute to the development of the overall policy, laws and philosophy of the City of Claremont?

Most Often ____ Often ____ Sometimes ____ Never ____ Not Observed ____

COMMENTS:

2. Is the City Attorney available to council for discussion and advice?

Most Often __ Often ____ Sometimes____ Never ____ Not Observed ____

COMMENTS:

3. Is the City Attorney able to provide information and advice to council which facilitates their decision-making process?

Most Often ____ Often ____ Sometimes____ Never ____ Not Observed ____

COMMENTS:

4. Have you found the quality of the advice presented by the City Attorney to be substantial and well-founded?

Most Often ____ Often ____ Sometimes____ Never ____ Not Observed ____

COMMENTS:

5. Do you find the City Attorney able to communicate with a wide range of persons, including citizens, councilmembers, city staff, and other attorneys?

Most Often ____ Often ____ Sometimes ____ Never ____ Not Observed ____

COMMENTS:

6. **Does the City Attorney keep Council and staff advised of new legislation and judicial developments, as well as actions in other jurisdictions that may impact the City's activities?**

Most Often _ Often ____ Sometimes ____ Never ____ Not Observed ____

COMMENTS:

7. **Are the City Attorney's communications and reports complete and understandable, and do they council's staff's questions and concerns?**

Most Often ____ Often _ Sometimes ____ Never ____ Not Observed ____

COMMENTS:

8. **Does the City Attorney represent the City's interests in litigation, administrative hearings and negotiations?**

Most Often _ Often ____ Sometimes ____ Never ____ Not Observed ____

COMMENTS:

9. **Does the City Attorney prepare ordinances, resolutions, contracts, and other legal documents to reflect council's policies?**

Most Often ____ Often ____ Sometimes ____ Never ____ Not Observed ____

COMMENTS:

10. Does the City Attorney maintain a professional and impartial relationship with all council members?

Most Often Often ____ Sometimes ____ Never ____ Not Observed ____

COMMENTS:

11. Does the City Attorney maintain effective and open communications with the City Manager and City staff?

Most Often ____ Often ____ Sometimes ____ Never ____ Not Observed ____

COMMENTS:

12. Does the City Attorney maintain objectivity and the independence necessary to provide effective and objective legal advice to the city council?

Most Often ____ Often ____ Sometimes ____ Never ____ Not Observed ____

COMMENTS:

13. Does the City Attorney make an effort to be accessible for council consultation during and after working hours?

Most Often ____ Often ____ Sometimes ____ Never ____ Not Observed ____

COMMENTS:

14. Does the City Attorney enjoy the respect of members of the legal community, as well as other members of the municipal profession?

Most Often ____ Often ____ Sometimes ____ Never ____ Not Observed ____

COMMENTS:

15. Does the City Attorney and its staff conduct business in a professional manner?

Most Often ____ Often ____ Sometimes ____ Never ____ Not Observed ____

COMMENTS:

Please indicate two things the City Attorney does now that you would most like continued:

Please indicate two things the City Attorney does now that you would most like changed, indicating the change desired:

GENERAL COMMENTS:

v:\Bhealy\Attorney\CITY COUNCIL EVAL-Attorney-Blank Master Form



Evaluation of the City Attorney

For each statement, please indicate a number from 1 - 5 rating your assessment of the level of effectiveness with which the City Attorney is presently carrying out that activity.

Ratings are:

- 5 = Outstanding
- 4 = Above average in meeting expectations
- 3 = Meets expectations
- 2 = Improvement needed
- 1 = Unsatisfactory

Please note:

Raters are encouraged to write comments in order to clarify or enlarge upon their evaluation.

COUNCIL/CITY ATTORNEY RELATIONS

- _____ Carries out directives of the Council as a whole rather than those of any one Council member.
- _____ Assists the Council in resolving problems at the administrative level to avoid unnecessary Council action.
- _____ Keeps the Council appropriately informed of the City's legal affairs, including present and potential litigation.
- _____ Provides the Council with practical legal advice, keeping in mind alternatives and options for implementing Council policy objectives, rather than focusing on legal impediments to any single Council suggestion for implementing policy, is flexible, creative, and open-minded.
- _____ Recognizes and respects the Council's role in developing City policy; does not allow personal outlook or views concerning policy to interfere with or color Council policy.
- _____ Is receptive to constructive criticism and advice.

COMMUNITY RELATIONS

- _____ Accommodates complaints/requests for information from citizens, while recognizing role as attorney for the City as an entity.

- _____ Maintains a good working relationship with all news media.
- _____ Willing to meet with members of the community on legal matters to discuss concerns.
- _____ Cooperates and works effectively with neighboring communities and other governmental units.

STAFF/PERSONNEL RELATIONS

- _____ Is accessible to, and works effectively with department managers and staff in providing practical, timely legal advice.
- _____ Is flexible and open-minded in assisting staff to find solutions to staff problems rather than focusing on legal impediments to any single proposal.
- _____ Provides legal advice in decisive, understandable written opinions, where possible.
- _____ Provides legal advice to all departments equally; does not favor or provide undue attention to any single department.
- _____ Attempts to work with departments with real or potential competing interests in order to assist in resolving conflicts and establishing a uniform City interest or position.

PROFESSIONAL COMPETENCE AND CHARACTERISTICS

- _____ Has sound understanding of substantive areas of law and legal procedures, especially in areas of municipal and governmental affairs.
- _____ Keeps abreast of changes in law through continuing education programs and professional organizations.
- _____ Uses the law creatively and effectively to advance Council-established policy and avoid liability to the City.
- _____ Seeks to minimize and avoid legal costs and judgments through representation of the City.
- _____ Effectively and actively supervises the Assistant City Attorneys, as well as retained outside counsel, to minimize City costs and exposure to liability.
- _____ Provides frank, practical, timely, substantively correct advice to City Council and departments concerning City policies, programs, lawsuits, and liability.
- _____ Provides prophylactic and strategic advice in advance to allow City to shape and plan conduct to comply with applicable laws and to avoid liability.
- _____ When providing advice to the City Council and others in a public setting, does so in a manner which is sensitive to the competing needs of providing meaningful, useful advice without embarrassing the City or Council, or otherwise exposing them to liability.

PERSONAL CHARACTERISTICS

- _____ Accepts responsibility; admits and works to correct errors.

- _____ Devotes time and energy effectively to do the job.
- _____ Is creative, innovative, a “can-do” person.
- _____ Works effectively with individuals and groups.
- _____ Is humanistic and warm, yet decisive and professional.
- _____ Has appropriate sense of humor.
- _____ Functions effectively under pressure.
- _____ Is honest, candid, and ethical.

Appreciated aspects of the City Attorney:

Aspects of the City Attorney’s performance that could be improved:

Other comments:

City of The Dalles
PERFORMANCE AND DEVELOPMENT APPRAISAL
City Attorney

Purpose. In order to establish and maintain an effective City Council/ City Attorney relationship, it is essential that the Council establish an ongoing evaluation process that offers an opportunity for each party to review the performance of the City Attorney. This evaluation should focus on how effectively the City Attorney is accomplishing the goals established by the City Council and how he is carrying out his responsibilities in the key performance areas.

Specifically, the evaluation should serve the following needs:

It will allow the City Attorney and the Council to test, identify and refine their respective roles, relationships, expectations of and responsibilities to each other.

In addition, It will also allow a discussion of the City Attorney's strengths and weaknesses as demonstrated by past performance with the objective of increasing the City Attorney's effectiveness. Therefore, it will give the Council the opportunity to provide positive feedback in areas that have been handled well and to clearly outline areas where the City Attorney could become more effective through improved performance.

Process

- 1) Evaluation forms will be distributed by the City Clerk to all Councilors, the Mayor and the City Attorney.
- 2) The Mayor, each Councilor and the City Attorney will complete the forms, sign them and return one copy to the City Clerk.
- 3) The Human Resources Department will tabulate the results of the evaluation forms.
- 4) The Human Resources Department prior to the executive session evaluation meeting will distribute a composite evaluation form including the City Attorneys self-evaluation to the Mayor and Council. A copy of the composite evaluation will also be forwarded to the City Attorney prior to the evaluation.
- 5) The Mayor and Council will meet with the City Attorney in executive session to jointly review the evaluation.
- 6) The evaluation process shall occur annually, at a May Council meeting, except that a majority of Councilors may request an evaluation at any time.

City of The Dalles

PERFORMANCE AND DEVELOPMENT APPRAISAL

City Attorney

Rating Scale

1. UNSATISFACTORY - Performance falls substantially short of job requirements.
2. MARGINAL - Performance does not meet an acceptable level in some areas. Improvement is needed.
3. FULLY SATISFACTORY - Has performed at a fully satisfactory level, meets the requirements of the job in all respects and occasionally exceeds job performance standards.
4. DISTINCTIVE PERFORMANCE - Performance is significantly better than average. Performance consistently exceeds standards.
5. OUTSTANDING - Exceptional performance of unusually high caliber. Remarkable achievement and pacesetting performance.

Unsatisfactory	Marginal	Fully Satisfactory	Distinctive Performance	Outstanding
1	2	3	4	5

City Council Relations

Keeps Council informed of problems, issues, current plans and activities, legislation, governmental practices, etc. Provides timely and effective representation of the City's interests consistent with Council's direction. Staff reports are thorough and timely. Accepts direction or instructions in a positive manner. Effectively aids the Council in establishing and achieving long-range goals. Participates in Council discussions and makes recommendations where appropriate, but allows the Council to make policy decisions without exerting undue pressure. Anticipates and advises the Council regarding important foreseeable legal problems, needs and opportunities.

Unsatisfactory	Marginal	Fully Satisfactory	Distinctive Performance	Outstanding
1	2	3	4	5

Comments: _____

Community Relations

Represents City with positive outlook. Personally projects a positive public image. Is courteous to public at all times. Keeps commitments to the public. Seeks to use criticism of self or City in positive ways. Maintains effective relations with media representatives. Available and visible to citizens. Effective media contact/relations. Resolves citizen complaints consistent with Council policy in a timely manner. Open and honest with citizens. Takes a consistent position with different audiences.

Unsatisfactory	Marginal	Fully Satisfactory	Distinctive Performance	
Outstanding				
1	2	3	4	5

Comments: _____

Personal Traits

Controls emotions effectively in difficult situations. Is creative in developing practical solutions to problems faced in the course of work. Is flexible in accepting and adjusting to change. Uses common sense. Has positive attitude. Demonstrates personal honesty and frankness in day-to-day relationships. Seeks to improve own skills and knowledge. Completes work in acceptable time periods. Performs work accurately. Opinions, legislation, briefs and other work is of high quality. Has the respect of the legal community.

Unsatisfactory	Marginal	Fully Satisfactory	Distinctive Performance	Outstanding
1	2	3	4	5

Comments: _____

Goal Achieving

Review of goals and assignments are accurate and timely. Takes initiative to get job done correctly and thoroughly. Perceives new responsibilities and proceeds independently to undertake and/or expand those responsibilities. Accepts responsibility for own work. Achieves goals set by or in conjunction with City Council. Develops effective, efficient legal plans and strategies for Council's goal's achievement and policy implementation. Establishes appropriate priorities.

Unsatisfactory	Marginal	Fully Satisfactory	Distinctive Performance	Outstanding
1	2	3	4	5

Comments: _____

Communication

Provides City Council with monthly legal activity reports and quarterly reports on status of litigation. Written communications are clear, concise and accurate. Oral communications are clear concise, expressed self effectively. Thorough, concise, articulate and in constant communication with necessary people. Provides clear and timely legal opinions. Responds to inquiries from Council and/or Council members in a timely and understandable manner. Reporting to Council is timely, clear, concise and thorough.

Unsatisfactory	Marginal	Fully Satisfactory	Distinctive Performance	Outstanding
1	2	3	4	5

Comments: _____

General Legal Counsel

Works productively with staff to accomplish Council directives. Works in support of City policies and goals. Presents options and advice in a positive fashion and with a practical outlook. Approaches role from a preventive rather than a corrective view of legal services. Provides effective and efficient legal assistance to City Council, Boards and Commissions. Avoids unnecessary litigation through tactful and professional handling of potential claims against the City. Review of ordinances and contracts are accurate and timely. Ordinances and resolutions are prepared in a timely manner. Provides timely, helpful and responsive advice during City Council and other meetings. Displays knowledge and understanding of general municipal law.

Unsatisfactory	Marginal	Fully Satisfactory	Distinctive Performance	Outstanding
1	2	3	4	5

Comments: _____

Decision Making

Attempts to obtain all available facts prior to making a decision. Is objective in decision making. Considers all possible legal alternatives and their consequences before making a decision. Ability to reach timely decisions, and initiate action, without being compulsive. Ability to resolve problems under strained and unpleasant conditions. Uses common sense, tact, and diplomacy. Ability to use logical and sound judgements in use of resources, determining courses of action, and defining solutions to problems. Notifies all affected parties prior to implementing decisions.

Unsatisfactory	Marginal	Fully Satisfactory	Distinctive Performance	Outstanding
1	2	3	4	5

Comments: _____

City of The Dalles
PERFORMANCE AND DEVELOPMENT APPRAISAL
City Attorney

SALARY ADJUSTMENT

~ Response is Optional ~

Based on your appraisal of the City Attorney's performance over the previous twelve (12) months, do you recommend a salary increase?

YES

NO

If **yes**, what information would you like to have to determine the appropriate increase?

If **no**, please comment, why not:

City of The Dalles
PERFORMANCE AND DEVELOPMENT APPRAISAL
City Attorney Self-Evaluation

~ Addendum ~

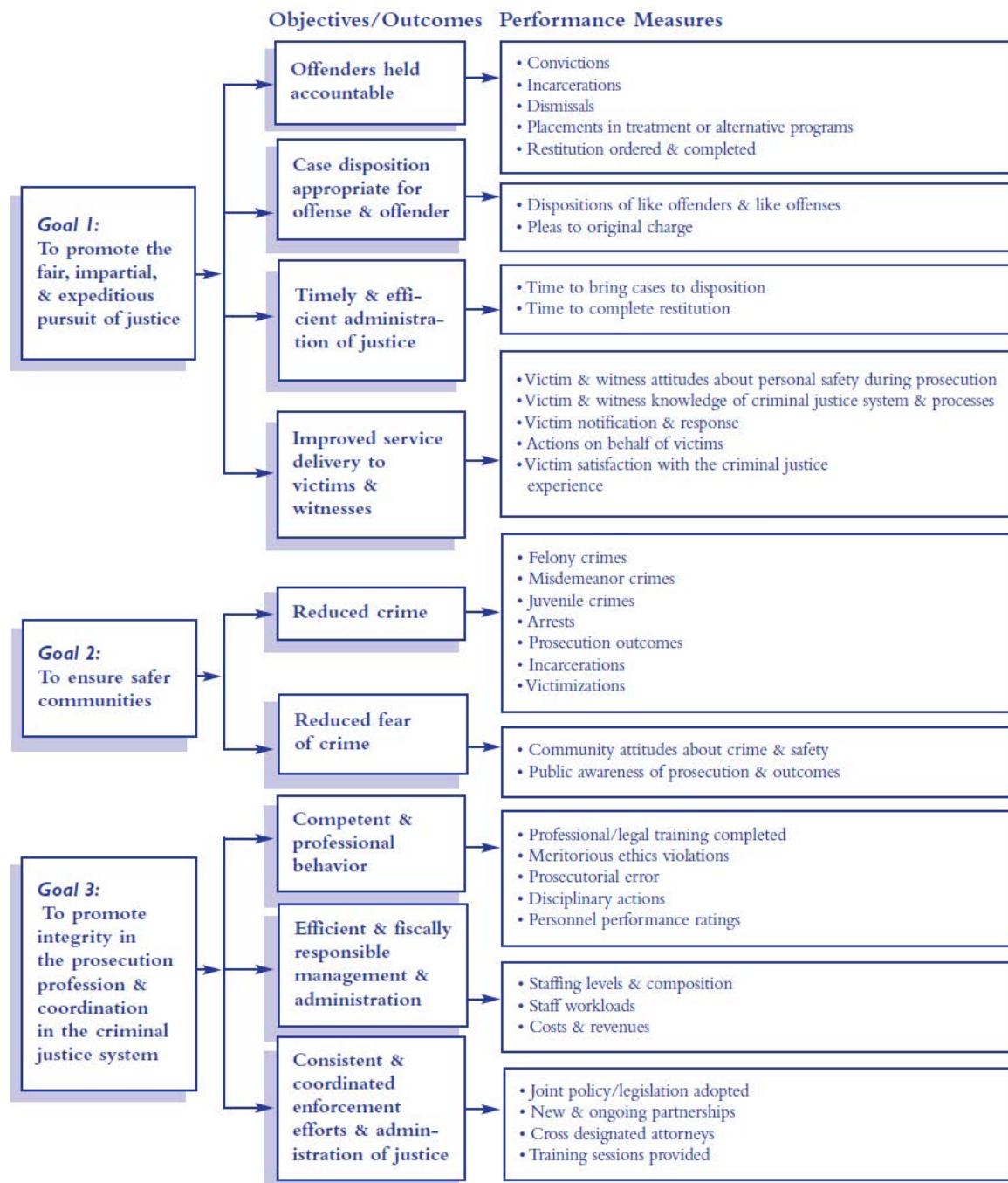
Directions: Your responses to these questions must be completed and attached to your performance and development appraisal self-evaluation. Additional pages may be added as necessary.

1. What progress have you made in accomplishing your goals and/or work assignments since your last evaluation?
2. What other job-related accomplishments have you had that were not part of the goals set at your last evaluation?
3. What obstacles or setbacks did you encounter during the year?
4. What do you see as your major goals for this next evaluation period?
5. What can the City Council do to help you accomplish these goals?
6. What suggestions do you have for improving the effectiveness between you and the Council?
7. Do you have specific training needs, which the Council can facilitate, and how will those needs help you in meeting your goals?
8. Are there any other issues or comments you wish to share?

City Attorney's Signature

Date

Fig. 1: NDAA Chart Depicting Prosecution Goals, Objectives, and Performance Measures



Source: Nat'l Dist. Attorney's Ass'n, *Prosecution in the 21st Century: Goals, Objectives, and Performance Measures* 19 (2007)

The second major effort at developing a series of metrics for prosecutors' offices was carried out by the Brennan Center for Justice at New York University School of Law. In 2014, the Brennan Center convened a panel of prominent jurists (including former judges, U.S. Attorneys, and cabinet members) to determine what goals federal